

### **REMARKS**

Applicants have now had an opportunity to carefully consider the prior art and the Examiner's comments set forth in the Office Action of May 11, 2009.

Reconsideration and reexamination of the Application are requested.

#### **The Office Action**

Claims 1-25 are pending in this application.

Claims 1-25 stand rejected, non-final.

Claims 1-4, 7, 9-13, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,532,351 to Richards et al. (hereinafter "Richards") in view of U.S. Patent Application Publication No. 2004/0080775 to Owen et al. (hereinafter "Owen") in further view of U.S. Patent No. 5,930,553 to Hirst et al. (hereinafter "Hirst").

Claims 5, 6, 8 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Owens in further view of Hirst and in further view of well-known art.

Claims 16-22 are rejected over Richards in view of Owens in further view of U.S. Patent No. 7,262,873 to Rasche et al. (hereinafter "Rasche") and in further view of U.S. Patent Application Publication No. 2003/00763305 to McIntyre (hereinafter "McIntyre") and in further view of Hirst.

Claims 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Owen in further view of Rasche in further view of McIntyre in further view of Hirst and in further view of well-known prior art.

#### **Logic Component Improperly Recited**

As per claim 1, the present application claims a replaceable module for a printing apparatus with programmable software controls comprising internal memory, peripheral memory, a communications interface, and a microprocessor. The Examiner cites Owen as teaching a logical component element 144. The Examiner cites this logical component as teaching a processor. However, a logical component does not in and of itself teach a computer microprocessor. A logical component may be something as

simple an ON/OFF switch, a D flip-flop, or a Boolean toggle switch each of which does not in and of itself comprise a processor. The logical component cited from Owen does not therefore teach a processor. However, in order to further expedite prosecution, the applicant has amended the claims to more further clarify the steps involving the microprocessor within the present application.

### **Consumable versus not consumable memory**

As per claim 9, the applicant claims a printing apparatus and method of operating a module comprising installing the module, allowing a processor to immigrate with the printing apparatus, determining which software components need to be upgraded, accessing memory, and installing software code. The Examiner cites Hirst as teaching this accessing and uploading from memory. However, Hirst only teaches consumable memory. The definition of consumable in the art being known as memory that is used once and then is disposed of. However, within the claim language, the present application states that non-consumable memory is used with this specific claimed application. Therefore, in order to further expedite prosecution, the applicant has amended the claims to further clarify this distinction.

### **Improper Hindsight**

As per claims 6-22, the Examiner has combined five different references in order to teach arguably each and every element of the present application. The Examiner cites Richards which is a wireless interaction with memory and a computer module. The Examiner cites Owen which is a printer with a replaceable component and cites Hirst which teaches an image-forming automation device with consumable memory which is not specific to a printing device. Furthermore, the Examiner brings in the McIntyre reference which teaches a method and system for saving and restoring printer control panel settings which does not in any way teach anything with respect to changing a printer or toner cartridge. Finally, the Examiner brings in Rache which teaches photo printer access to remote data, again, not involving a printer or print toner cartridge. These five references are improperly combinable due to the sheer volume of the number of references and the mere fact that several of the references, specifically

McIntyre and Hirst, do not relate to the primary reference of Richards. The Examiner has merely picked and chosen various references to correspond to different elements within the claimed invention. This would not have been obvious simply due to the sheer magnitude of the number of references cited by the Examiner. Therefore, this consists of improper hindsight on the part of the Examiner as these references teach away from each other and are not properly combinable.

As per claims 23-25, the Examiner cites six different references. The Examiner cites Richards, Owen, Rache, McIntyre, Hirst, and combines them with a general statement of well-known art in order to teach elements that the Examiner has not been able to find a reference for. As stated previously, combining five references constitutes improper hindsight, therefore, combining the same five references with a sixth essentially non-reference is also improper hindsight. However, in order to further facilitate prosecution, claim 16 has been amended in order to further clarify the distinctions being made with respect to the claim language of the independent claim 16.

**CONCLUSION**

For the reasons detailed above, it is submitted all remaining claims (Claims 1-25) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	<b>25</b>	<b>- 25 =</b>	<b>0</b>
INDEPENDENT CLAIMS	<b>3</b>	<b>- 3 =</b>	<b>0</b>

This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned, at Telephone Number (216) 363-9000.

Respectfully submitted,

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July 15, 2009  
Date